

Message Text

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FM AMEMBASSY ADDIS ABABA
TO SECSTATE WASHDC IMMEDIATE 9373

C O N F I D E N T I A L SECTION 1 OF 3 ADDIS ABABA 3537

E.O. 11652: GDS
TAGS: EINV, ET, EAID
SUBJECT: AID, COMPENSATION AND APPROACH TO MENGISTU

REF: STATE 204031

SUMMARY: PROPOSED MEETING WITH MENGISTU COINCIDES EXACTLY WITH EMBASSY THINKING AND AMBASSADOR HAD PREPARED WAY FOR MEETING WITH LETTER TO CHAIMRAN SUMMARIZING COMPENSATION ISSUE HANDED TO FOREIGN MINISTER LATE AUGUST 9. EMBASSY PROPOSES A NUMBER OF CHANGES IN TALKING POINTS FOR MEETING. REQUESTS DEPARTMENT ALERT CERTAIN CLAIMANTS ABOUT POSSIBLE NEGOTIATIONS AND GET OTHERS TO FILE FORMAL CLAIMS. PROPOSES THAT, DEPENDING UPON OUTCOME AMBASSADOR'S MEETING WITH MENGISTU OR FAILURE ACHIEVE SUCH MEETING, WASHINGTON AGENCIES CONSIDER LETTER FROM PRESIDENT CARTER TO MENGISTU AS ULTIMATE FALLBACK. TEXT SUCH LETTER BY SEPARATE TELEGRAM. END SUMMARY.

1. AS INDICATED REFTEL, WASHINGTON AND EMBASSY THINKING ON COMPENSATION ISSUE HAS CLOSELY COINCIDED. EMBASSY HAS PREPARED WAY FOR MEETING WITH MENGISTU BY HANDING FOREIGN MINISTER LETTER FROM AMBASSADOR TO CHAIRMAN, SEE SEPTTEL:

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A) SUMMARIZING KALAMAZOO WASH PROPOSAL;

B) STRESSING URGENCY OF SIGNIFICANT PROGRESS, PARTICULARLY IN RELATION TO IFI LOANS;

C) SUGGESTING THAT PMGSE REQUEST REPRESENTATIVE OR REPRESENTATIVE OF AMERICAN CLAIMANTS, KALAMAZOO OR OTHERS,

TO BEGIN NEGOTIATIONS IN ADDIS BEFORE END AUGUST;

D) STATING ASSUMPTION THAT PMGSE WILL ALLOW ANY SUCH REPRESENTATIVES TO DEPART WITHOUT IMPEDIMENT OR LEGAL ACTION, EVEN IF NO AGREEMENT ACHIEVED; AND

E) EXPRESSING AMBASSADOR'S WILLINGNESS MEET WITH CHAIRMAN TO EXPLAIN PERSONALLY ANY DOUBTFUL POINTS OR ISSUES. SUGGEST THEREFORE THAT REQUEST FOR ACTUAL APPOINTMENT BE DELAYED UNTIL AUGUST 16/17 TO ALLOW TIME FOR CHAIRMAN TO STUDY MATTER AND POSSIBLY ASK FOR MEETING. APPROPRIATE POINTS CAN THEN BE MADE, AND THIS INTERVAL ALLOWS CONSIDERATION OF POINTS BELOW.

2. HOPE AID GRANT AUTHORIZATIONS COMING BY CLASSIFIED TELEGRAM BECAUSE WASHINGTON SHOULD BE AWARE THAT WIFE OF FINANCE MINISTER IS AND HAS BEEN IMPORTANT AID LOCAL, EVEN BEFORE HIS TENURE IN OFFICE BEGAN, AND THERE IS POTENTIAL CONFLICT OF LOYALTY IF INFORMATION COMES IN BY UNCLASSIFIED MESSAGE, JUST AS IN PREVIOUS EXIM BANK NEGOTIATION CASE. AMBASSADOR WOULD OBVIOUSLY PREFER TO BE DIRECT BEARER OF GOOD NEWS TO CHAIRMAN, RATHER THAN HAVE HIM ALREADY INFORMED.

3. MINISTER OF FINANCE IS NOT POWERFUL FIGURE IN PMGSE AND ONLY SUPPORTING ROLE, AT BEST, CAN BE EXPECTED FROM HIM.
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4. STUDY OF AMERICAN CLAIMS DOES NOT PERMIT EMBASSY TO COME TO HAPPY AND DESIRABLE CONCLUSION THAT THERE IS ANYTHING DIFFERENT OR EASIER WITH REGARD TO SETTLEMENT OF OUR CLAIMS, AS OPPOSED TO THOSE OF OTHER NATIONS. ITALIANS HAVE LARGEST TOTAL AMOUNT OF CLAIMS, BUT THERE ARE MANY SMALLER ONES OF ABOUT THE VALUE OF THE DELVALLE AND INDIVIDUAL AIRPLANE CLAIMS. DUTCH REPORTEDLY HAVE LARGEST SINGLE CLAIM FOR SUGAR FACTORY AND ESTATES. FRENCH BELIEVED TO HAVE ONE RELATIVELY SMALL CLAIM. INDIAN CLAIMS NOT DISSIMILAR TO OURS WITH SOME FOR TEXTILE FACTORIES AND INDIVIDUAL CLAIMS, INCLUDING SOME IN RETAIL TRADE. WHAT WAS DIFFERENT IN KALAMAZOO PROPOSAL WAS NOT SO MUCH WASH ASPECT, WHICH AVOIDED ANY NET PAYMENT BY ETHIOPIA, BUT COMPANY'S WILLINGNESS TO COME BACK TO ETHIOPIA AND GENERATE NEW EMPLOYMENT, TAX REVENUE, AND FOREIGN EXCHANGE, AS WELL AS INTRODUCE NEW PRODUCTS. CLAIM ITSELF WAS NOT VERY DIFFERENT FROM OTHERS WITH COUNTER-CLAIM ON ETHIOPIAN SIDE. (INCIDENTALLY, FOREIGN MINISTRY DISCUSSIONS REVEALED THAT THAT MINISTRY, WHICH IS WORKING FROM COMPREHENSIVE SPREADSHEETS OF ALL CLAIMS CURRENTLY FILED WITH COMPENSATION COMMISSION, OPERATES ON ASSUMPTION THAT ALL 80 PERCENT OF STOCK OWNED BY KALAMAZOO

WAS NATIONALIZED, ALTHOUGH THIS IS NOT DEFINITIVE FINDING,
AND HEAD ECONOMIC DEPARTMENT DECLINED TO CONFIRM TO EMBASSY,
ALTHOUGH THIS WAS HIS OPERATING ASSUMPTION. PERMANENT SE-
CRETARY OF FINANCE WAS UNINFORMED ON THIS POINT.)

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5. RANKING THE AMERICAN CLAIMS IN DESCENDING ORDER OF
APPARENT EASE FOR ETHIOPIANS TO SETTLE (AND NONE OF THEM
APPEAR EASY BECAUSE OF BUDGET AND FOREIGN EXCHANGE STRIN-
GENCIES, SPECIAL PMGSE IDEOLOGICAL AND OTHER HANGUPS, AND
PRECEDENT ESTABLISHING FACTORS), WE COME OUT: (1) STERLING
DRUG FACTORY (SERLING REP HAS RECENTLY INFORMED EMBASSY THAT
ETHIOPIANS HAVE ACKNOWLEDGED THAT THEIRS IS AMONG THE
GROUP OF FIRST CLAIMS TO BE SETTLED, WHEN AND IF, AND IS
UNCOMPLICATED BECAUSE THEY HAD MADE FIXED INVESTMENT BUT HAD
NOT BEGUN OPERATIONS. THIS CONFIRMS INFO IN OUR FILES.
STERLING CONTINUING TO SELL IMPORTED PRODUCT BUT HAS NOTHING
TO DO WITH FACTORY WHERE ETHIOPIANS HAVE UNDERTAKEN SOME
RELATIVELY MODEST OPERATIONS); (2) TCHERKARIAN CLAIM FOR
PRINTING PRESS, PROVIDED THERE ARE NO UNPAID TAXES OR COUNTER-
CLAIMS AND VALUE IS SMALL (ONE OF ETHIOPIAN PREJUDICES APPEARS
TO FAVOR PHYSICAL ASSETS AS OPPOSED TO MONEY, CAPITAL INVEST-
MENT OR RIGHTS AND INTERESTS); (3) THE SIX AIRCRAFT CLAIMS
(CLYDE ADAMS' HIGH EXPECTATIONS MAY BE A PROBLEM HERE, IF
NEGOTIATIONS WERE EVERY BEGUN, AND OTHER PROBLEMS ARE THE
DIFFICULTY IN FIRST FILING THE REMAINING CLAIMS AND THEN
OBTAINING SOME REPRESENTATIVE TO ACTUALLY PURSUE THESE SMALL
INDIVIDUAL CLAIMS. THE FOREIGN MINISTRY, AFTER CONSULTING THE
COMPENSATION COMMISSION, INFORMED THE EMBASSY THAT THE
COMMISSION WILL DEAL WITH A REPRESENTATIVE OF ANY NATIONALITY,
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DULY AUTHORIZED, PROVIDED THE REP IS NOT A FOREIGN GOVERNMENT OFFICIAL.); (4) INTERNATIONAL UNDERWRITERS GROUP INSURANCE COMPANY CLAIM, IF THERE ARE NO COUNTERCLAIMS OR UNPAID TAX LIABILITIES (SERVICE COMPANIES AND INTANGIBLE ASSETS DO NOT RATE HIGHLY WITH ETHIOPIANS, AND, OF COURSE, CITIBANK CLAIM IS FOR MINORITY SHARE OF A BANK THROUGH ANOTHER FOREIGN BANK WHICH PUTS IT VIRTUALLY AT THE BOTTOM WITH NAREX AND HABACHY FAMILY CLAIMS); (5) CROWN CORK & SEAL COMPANY (COMPANY REPRESENTATIVE HAS RECENTLY CONFIRMED TO EMBASSY THAT IT WISHES TO CONTINUE TO OPERATE AS MINORITY SHAREHOLDER AND DOES NOT WISH TO PURSUE CLAIM AT THIS TIME, OTHERWISE THE CLAIM MIGHT BE AT THE TOP OF THE LIST); (6) KALAMAZOO; (7) DELVALLE; (8) SINGER SEWING MACHINE (EMBASSY WILL USE LETTER FORWARDED BY DEPARTMENT FROM SINGER TO WRITE NOTE TO FOREIGN MINISTRY TO ATTEMPT TO CLARIFY STATUS THIS SITUATION WHICH WE UNDERSTAND PMGSE CONSIDERS "CONFISCATION" FOR ALLEGED WRONGDOING IN RETAIL TRANSACTIONS AND THEREFORE NOT SUBJECT TO COMPENSATION. CASE IS SAID TO BE MUCH LIKE MOSVOLD AND REFLECTS EXTREME UNHAPPINESS WITH DISTRIBUTION AND RETAIL TRADE AS "GOUGERS" ETC. SINGER CLAIM UNDERSTOOD TO BE LARGELY FOR UNSOLD MERCHANDISE, BUT WOULD APPRECIATE ADDITIONAL DETAILS AND LAST BALANCE SHEET, IF SINGER INCLINED PROVIDE.) (9) THE OTHER CLAIMS.

6. WOULD SETTLEMENT STERLING DRUG CLAIM SATISFY GONZALES AMENDMENT STRICTURES AS DOES KALAMAZOO WASH PER TALKING POINTS REFTTEL; PRECEDENT ARGUMENT, WEAK THOUGH IT MAY BE, WOULD BE THAT STERLING DRUG DOES NOT CONSTITUTE A PRECEDENT BECAUSE COMPANY HAD MADE INVESTMENT BUT NEVER GONE INTO OPERATION AND THUS HAD NOT BEEN ABLE TO DERIVE ANY BENEFIT FROM INVESTMENT WHICH NOW BEING COMPENSATED AFTER 3-1/2 YEARS AS A SPECIAL CASE. STERLING SETTLEMENT WOULD COST THE PMGSE SOMETHING AROUND \$2 MILLION BECAUSE EMBASSY ASSUMES NEITHER STERLING NOR USG

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WOULD CONSIDER SATISFACTORY A LONG PAYOUT IN ETHIOPIAN BONDS OR BIRR, AS NOT BEING "PROMPT AND EFFECTIVE" COMPENSATION. MAY I BE AUTHORIZED TO TELL MENGISTU THAT STERLING DRUG SETTLEMENT, AS WITH KALAMAZOO WASH, WOULD SATISFY GONZALEZ AMENDMENT PROBLEM? SUGGEST USE OF FIGURE "ABOUT \$2 MILLION" SUBJECT TO NEGOTIATION WITH FIRM, BUT WOULD WELCOME ANY FURTHER GUIDANCE AFTER DEPARTMENT'S CONSULTATION WITH STERLING. THIS FIGURE BASED ON INFO ON FILE HERE.

7. BELIEVE MUCH BETTER NOT TO MENTION PRECEDENT OR RELATIVE

EASE OF AMERICAN CLAIMS TO MENGISTU. RECOMMEND WE STICK TO LINE THAT PMGSE SHOULD NEGOTIATE WITH REPS OF SPECIFIC AMERICAN CLAIMANTS, LEAVING SELECTION UP TO THEM, UNLESS AMBASSADOR AUTHORIZED RAISE STERLING DRUG OR UNLESS KALAMAZOO OR EAL/ AIRCRAFT DEALS, WHICH CAN BE JUSTIFIED AS NOT SETTING PRE-CEDENTS, MATERIALIZE: THE FORMER ON ETHIOPIAN SIDE AND LATTER ON U.S. SIDE. (HOWEVER, WE ARE INFORMED EAL IS SIGNING WITH BEOING AUGUST 15, AS REPORTED.) ALSO RECOMMEND

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AMBASSADOR NOT REFER SPECIFICALLY TO COMPENSATION COMMISSION, SINCE THIS IS LEGALISTIC BODY WITH SMALL STAFF, ALMOST INSUPERABLE PROBLEMS, AND DEFENSIVE METALITY. MAY BE EASIER FOR PMGSE TO REACH POLITICAL SETTLEMENT TO ACCOMMODATE US AND THEIR TRUE INTERESTS OUTSIDE COMPENSATION COMMISSION. OUR LEVERAGE ON PMGSE, LIMITED THOUGH IT MAY BE, IS CONSIDERABLY GREATER THAN ON ETHIOPIAN COMPENSATION COMMISSION, WHOSE MEMBERS RIGOROUSLY REFUSE TO HAVE ANYTHING TO DO WITH FOREIGN GOVERNMENT REPRESENTATIVES. REFERRAL OF ANY PROPOSAL TO COMPENSATION COMMISSION WHICH CAN STUDY MATTER INDEFINITELY AND REPORT PROGRESS IS THE EASIEST AND MOST EFFECTIVE WAY TO PIGEONHOLE ANY SUGGESTION.

8. BELIEVE IT ESSENTIAL THAT WE INFORM MENGISTU, IF \$10 MILLION INITIAL U.S. COMPONENT OF MINIMUM PACKAGE PROGRAM II (AGRICULTURAL SECTOR GRANT) IS TO SLIDE INTO FY '79. AGRICULTURAL SECTOR GRANT HAS BEEN EXTENSIVELY DISCUSSED AT WORKING LEVEL BETWEEN TECHNICIANS OF BOTH GOVERNMENTS AND AS RECENTLY AS AUGUST 11, EMBASSY RECEIVED UNCLASSIFIED TELEGRAM (STATE 203118) STATING THAT AID REVIEW WOULD TAKE PLACE WEEK OF AUGUST 21 AND INQUIRED WHETHER FORMAL REQUEST

HAD BEEN RECEIVED FROM PMGSE. HAD ACTING AID DIRECTOR AND
AMBASSADOR MET WITH PLANNING COMMISSIONER AFTERNOON AUGUST
11 (THERE WAS A SNAFU ON HIS CALENDAR, ALTHOUGH PROTOCOL
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ARRANGED THE APPOINTMENT) THE FORMAL REQUEST WOULD HAVE BEEN
DISCUSSED. AT FY '79 AID PROGRAM REVIEW MEETING IN JUNE IN
WASHINGTON WITH ASSISTANT ADMINISTRATOR GOLER BUTCHER AND
FORMER AID DIRECTOR LYMAN, AMBASSADOR WAS LEFT WITH DISTINCT
IMPRESSION THAT \$10 MILLION COULD BE FOUND THIS YEAR IF ALL
OTHER PROBLEMS, MAINLY COMPENSATION ISSUE, COULD BE SOLVED
AND THAT \$10 MILLION WOULD BE MUCH MORE DIFFICULT IN FY '79
BECAUSE OF CONGRESSIONAL NOTIFICATION REQUIREMENTS. IF FUNDS
NO LONGER AVAILABLE, THEN WE SHOULD TELL MENGISTU SO AND
POINT OUT THAT THIS IS SYMPTOMATIC OF WHAT HAPPENS WHEN
MATTERS FRAG. EMBASSY HAS REPEATEDLY WARNED PMGSE FROM FOREIGN
MINISTER ON DOWN THAT ORDERLY DECISIONS ON USE OF FUNDS HAD
TO BE MADE WELL BEFORE END OF FISCAL YEAR ON SEPTEMBER 30, AND
POINT IS MADE IN AMBASSADOR'S LETTER TO MENGISTU. THUS, WE
AVOID SUDDEN AND JARRING DISAPPOINTMENT AND ARE PERFECTLY
CONSISTENT IF WE TELL MENGISTU DEFINITELY AND DO NOT LEAVE
ANY FALSE EXPECTATIONS. IF WE DECIDE NOT TO GO AHEAD ON
GEMO GOFFA, WE CAN TELL PMGSE LATER, BUT RECOMMEND NO LATER
THAN SEPTEMBER 15. EMBASSY UNDERSTANDS THERE ARE SOME
BRIDGE FUNDS TO CARRY PRE-IMPLEMENTATION PROJECT FORWARD FOR
A NUMBER OF MONTHS IN ANY CASE, ALTHOUGH ULTIMATE DECISION
TO SCRAP WOULD CAUSE HEARTBURN WITH OUR FRIENDS ON THE RE-
HABILITATION AND RELIEF COMMISSION THROUGH WHICH THE FUNDS
PASS. OUR CONTINUED EMERGENCY ASSISTANCE SHOULD MAKE THIS
MANAGEABLE, IF THERE IS NO SIGNIFICANT PROGRESS ON COMPEN-
SATION.

9. RECOMMEND DEPARTMENT QUERY CLAIMANTS IN FIRST FOUR
NUMBERED CATEGORIES IN PARA 5 ABOVE: (A) TO SEE WHETHER THEY
WOULD BE PREPARED TO SEND REPRESENTATIVES TO NEGOTIATE
CLAIMS, SHOULD POSSIBILITY ARISE IN RELATIVELY NEAR FUTURE
TO GET SUCH NEGOTIATIONS UNDERWAY, AND (B) TO GET CLAIMANTS
WHO HAVE NOT YET FILED FORMAL CLAIMS TO DO SO. LATE FILING
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CLAIMANTS COULD BE PREJUDICED SHOULD COMPENSATION COMMISSION
ULTIMATELY DECIDE TO ADJUDICATE CLAIMS BY DATE OF FILING,
A CONCEIVABLE AND LOGICAL MODUS OPERANDI.

10. EMBASSY HAD PREPARED DRAFT LETTER FROM PRESIDENT CARTER
TO CHAIRMAN MENGISTU AS FINAL EFFORT TO OBTAIN PROGRESS

ON COMPENSATION CLAIMS, IN VIEW OF CHAIRMAN'S INTEREST IN
PRESIDENT'S OPINION OF HIM AND DIFFICULTY WHICH AMBASSADORS
HAVE ENCOUNTERED IN OBTAINING ANYTHING BUT FORMAL ARRIVAL
AND DEPARTURE INTERVIEW WITH CHAIRMAN. ALSO, BERHANU BAYEH
IS CURRENTLY FULLY OCCUPIED WITH SPECIAL EVENTS AND ERI-
TREAN SITUATION. EMBASSY STILL CONSIDERS THIS PLOY VIABLE
FALLBACK, IF AMBASSADOR UNABLE OBTAIN INTERVIEW PERSONALLY
WITH CHAIRMAN. LETTER FROM AMBASSADOR WAS DESIGNED AS FIRST
OF THREE PHASE PROGRAM ENDING WITH PRESIDENTIAL LETTER.
WITHOUT ARGUMENT FOR IMPORTANCE OR URGENCY, WHICH WASHINGTON
APPEARS TO UNDERSTAND, DRAFT LETTER FOR CONSIDERATION BY
WASHINGTON AGENICES, IN THE EVENT MEETING WITH MENGISTU FAILS
TO RESULT IN FORWARD PROGRESS OR DOES NOT MATERIALIZE, IS
TRANSMITTED BY SEPARATE TELEGRAM.
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